

(Sept 1999)

Private parties, public utilities, and other government agencies may, for their own purposes, require the use or occupation of state-owned lands. The state's policy is to make available unused lands under its control when: 1) it is for the benefit of the public; 2) it is consistent with the state of California's programs and needs; and 3) it is allowed within the title as held by the state. For example, the state cannot divest itself of land where acquisition was conditioned upon "For fire control use only."

Use of state lands by nonstate entities must be justified in the strongest terms. The justification should clearly state why CDF should enter into the agreement, and what benefits will accrue to the state. The leasing of any land rights or use of state-owned lands under control of CDF is subject to the approval of DGS.

The master fire agreements with federal agencies do not allow the use of lands and facilities except for that which is requested to satisfy emergency needs.

### **Request for Use of State-Owned Lands**

The request for use of state-owned lands must be in writing. Processing procedures start at the unit level. If the unit agrees to the proposal, it is then forwarded to the region for evaluation and eventually to Technical Services. The request must contain the following:

- Intended use, fully explained.
- Limiting conditions noted, if any.
- Map outlines are required.
- Full CEQA disclosure.
- Proper fees.
- Proper legal description. (If surveys are required the requestor must furnish them.)

(See Exhibit) for a chart of processing responsibilities.

**Submittals** The submittal should essentially contain the following:

- An explanation by the Unit of why the property is available for leasing rather than being declared surplus.
- A proper description of the property, including a plot plan.
- A full explanation of the intended use by the lessor and why the requested location was chosen.
- For communication purposes, the proper communication form fully completed.

- An explanation of the lease form required and justification if it needs to extend beyond the basic 5-year term allowed by law.
- Prepared CEQA information form and checklist properly filled out.
- Explanation of mitigation measures to be taken to eliminate any adverse effect the project might have on the nearby CDF facilities.
- Proper administrative fee.

## **Fees**

All applications requesting the use of state-owned lands must be accompanied by a nonrefundable administrative fee of \$500.00, made payable to "The Department of Forestry and Fire Protection." Private identities requesting rights to construct a major facility (e.g., a tower), however, must remit an additional fee of \$1,250 for CEQA compliance which, is required by the Department of Fish and Game.

DGS determines the fees for leasing and using state lands, based upon the fair market value and use made of the land. Such fees are additional to any administrative fees and are to be paid as scheduled in the agreement authorizing land use. All land fees are paid in advance, unless the lessee is an U.S. government agency.

DGS may, at its own discretion, waive or reduce certain fees. Such a decision will be based upon an evaluation of any benefits accruing the state by virtue of the conveyance. Therefore, any request for reduction in fees must be fully justified and documented during the application process.

## **Tenure**

The leasing of state land is normally limited to five years based upon SAM manual section 1390 and Government Code section 14670. This time period may be extended to as much as 50 years, however, when the lease is for a communication site requiring expensive installations. Approval for such an extension must be sought, in advance, from Sacramento and/or General Services (RESO). All extended leases require substantial justification and explanation of need for extended use. They will usually contain special variable rental rates based upon the Consumer Price Index (CPI). The tenant has the option of terminating the lease and vacating the site should he/she find the new accelerated rate unacceptable.

## **Insurance**

All leases of land, other than to U.S. government agencies, require insurance coverage in favor of the state.

<b>Form</b>	The document will be prepared by DGS in a format approved by them.
<b>CEQA</b>	The California Environmental Quality Act (CEQA) will need to be satisfied by filing proper CEQA documentation at the State Clearinghouse. It is the responsibility of the party requesting the rights to gather together all required information and to verify its accuracy. Technical Services will prepare the final CEQA document and file it with the Clearinghouse. Publishing public notice, replying to documentary challenges, and fulfilling mitigation measures are the responsibility of the requesting party.

See CEQA section for details and procedures ([see exhibit](#)).

**FORMS AND/OR FORMS SAMPLES: RETURN TO ISSUANCE HOME PAGE  
FOR FORMS/FORMS SAMPLES SITE LINK.**

[\(see next section\)](#)

[\(see Table of Contents\)](#)